

**FLATHEAD COUNTY BOARD OF ADJUSTMENT  
MINUTES OF THE MEETING  
OCTOBER 4, 2016**

**CALL TO ORDER  
5:58 pm**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. at the South Campus Building, Suite 200, 40 11<sup>th</sup> Street West, Kalispell, Montana. Board members present were Cal Dyck, Ole Netteberg, Mark Hash and Gina Klempel. Roger Noble had an excused absence. Donna Valade and Mark Mussman represented the Flathead County Planning & Zoning Office.

There were 3 people in the audience.

**APPROVAL OF  
MINUTES  
5:58 pm**

Klempel motioned and Netteberg seconded to approve the September 6, 2016 minutes as provided in the meeting packet.

The motion passed by quorum.

**PUBLIC  
COMMENT  
(Public matters  
that are within  
the jurisdiction  
of the Board 2-  
3-103 M.C.A)  
5:58 pm**

None

**JAMIE L LEE  
(FCU-16-14)  
5:58 pm**

A request from Jamie L. Lee, for a conditional use permit to establish a 'Home Occupation' on property located within the Highway 93 North Zoning District and zoned SAG-10 (*Suburban Agricultural*). The applicant is proposing to use a detached structure as a showroom for handmade jewelry. The subject property is located at 120 Highland Drive, north of Kalispell and east of Highway 93, and contains approximately 4.8 acres.

**File pulled by applicant October 4, 2016**

**VINCENT &  
VIRGINIA  
GRILLO/TARA  
HARBIN  
(FCU-16-15)  
5:59 pm**

A request from Vincent & Virginia Grillo and Tara Harbin, for a conditional use permit to construct a six unit multi-family dwelling at 139 Jewel Basin Court and two (2) four unit multi-family dwellings, the first dwellings would be located at 166 Jewel Basin Court and the second dwellings would be located at 202 Jewel Basin Court north of Bigfork. The subject properties are located within the Bigfork Zoning District and are zoned B-3 (*Community Business*). The proposal would be served by the Bigfork Water & Sewer District. **This**

item was reviewed by the Bigfork Land Use Advisory Committee (BLUAC) on Thursday September 29, 2016 @ 4:00 p.m. at Bethany Lutheran Church, 8559 Highway 35 in Bigfork.

**STAFF REPORT  
(FCU-16-15)  
5:59 pm**

Valade reviewed Staff Report FCU-16-15 for the Board.

**BOARD  
QUESTIONS  
6:01 pm**

None

**PUBLIC  
COMMENT/  
APPLICANT  
PRESENTATION  
6:02 pm**

Vincent Grillo-150 Marken Loop, Bigfork-stated the project was initiated as a result of the need for affordable housing especially in Bigfork. The property has all of the utilities on-site and it meets all of the other criteria. Grillo stated the proposed site plans were conceptual designs, the design may change but the density would not. He hoped that when the Board considered the Conditional Use Permit they would approve it for the density not the site specific design. He asked if that would be a problem.

Valade stated it would, that one of the conditions was that the applicants not veer from the application or site plan.

Mussman stated that it would be the planning office's position that as long as the density did not change, he would not consider it a material change. He advised the applicant that prior to construction the final plans would need to be approved by the planning office to determine if there was a material change that would need to go back in front of the Board of Adjustment.

Hash asked how that worked with the notices that had gone out to the public.

Mussman stated that the public notice suggested density on each lot.

Hash asked the applicant if he had mentioned to BLUAC that this was a conceptual design.

The applicant stated no. Grillo felt that the site plans were to show that they would meet all the criteria as coverage, parking, widths and setbacks would be met on these sites. He stated that the coverage was minimal compared to what the zoning on the property would allow. The site plans could change as they assessed the need for the type of housing needed for the area, i.e. senior housing vs. single family.

Hash asked if there was any construction on the surrounding properties.

Grillo stated two (2) of the lots in the subdivision had buildings on them.

Phil Neuharth-317 Stoneridge Dr., Kalispell-spoke in favor of the project. He stated there is a need for affordable housing in the area.

Tara Harbin-13088 Kelley Dr., Bigfork-stated she was the co-applicant and in favor of the application. She stated that they did make it clear at the BLUAC meeting that this was a conceptual design. She stated there is a serious need for housing in the Bigfork area.

**BOARD  
QUESTIONS  
6:18 pm**

None

**STAFF  
REBUTTAL  
6:18 pm**

None

**APPLICANT  
REBUTTAL  
6:18 pm**

None

**BOARD  
DISCUSSION  
6:18 pm**

Hash talked about his concerns with approving conceptual designs, stating he felt the public had the right to know what was actually being built rather than a conceptual design of what may be built.

The Board discussed this at length.

**MAIN MOTION  
TO ADOPT F.O.F.  
(FCU-16-15)  
6:35 pm**

Netteberg made a motion seconded by Dyck to adopt the Findings-of-Fact as written.

**BOARD  
DISCUSSION**

None

**ROLL CALL TO  
ADOPT F.O.F.  
6:35 pm**

On a roll call vote the motion passed unanimously.

**MAIN MOTION  
TO APPROVE  
(FCU-16-15)**  
6:35 pm

Netteberg made a motion seconded by Dyck to accept Staff Report FCU-16-15 as Findings-of-Fact and Approve the Conditional Use Permit.

**BOARD  
DISCUSSION**  
6:35 pm

None

**ROLL CALL TO  
APPROVE**  
6:35 pm

On a roll call vote the motion passed unanimously.

**OLD BUSINESS**  
6:36 pm

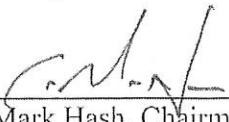
The Board discussed the process of handling conceptual design applications in the future.

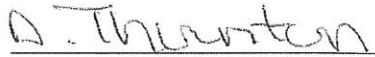
**NEW BUSINESS**  
6:39 pm

None

**ADJOURNMENT**  
6:40 pm

The meeting was adjourned at approximately 6:40 pm on a motion by Netteberg. The next meeting will be held at 6:00 pm on December 6, 2016.

  
\_\_\_\_\_  
Mark Hash, Chairman

  
\_\_\_\_\_  
Danene Thornton, Recording Secretary

*APPROVED AS SUBMITTED/CORRECTED: 12/16/16*